Spotlight on good practice: ASP Case Studies

**Case Study 4**

Jenny has dementia and has been assessed as lacking capacity to make decisions about her welfare and finances. She has been a resident in a local care home for the last 6 years as she was no longer able to live at home safely. Jenny has three attorneys appointed under a welfare and financial Power of Attorney, who supported her to move into the care home and manage her finances.

Three years after Jenny moved into the care home her attorneys informed that they would no longer be able to pay the care home fees from Jenny’s funds and asked for the fees to be met by the Local Authority. A financial assessment was undertaken to calculate any contribution Jenny could reasonably make. This assessment indicated that a large sum of Jenny’s money was unaccounted for and had been withdrawn from her bank account following her move to the care home.

We undertook an ASP Inquiry and Investigation involving the attorney’s, Police Scotland, the Department of Work and Pensions, and the Office of the Public Guardian were also notified. As part of the Investigation bank statements were requested under s10 of the ASP (Scotland) Act 2007. We requested that Jenny’s private pension and DWP pension were frozen to prevent further financial deprivation and funded Jenny’s placement in full to ensure she could remain in the care home which had become her home.

Due to the impact of the Covid- 19 pandemic, efforts by both the OPG and Police Scotland were frustrated. They were able to access information from Jenny’s bank and GP which allowed their investigations to progress. The OPG requested that the 3 attorneys resign from their position and Police Scotland continue to actively investigate the use of these funds.

In order to allow any criminal proceedings to progress without conflict or complication, the ASP proceedings were stopped. Our joint efforts under adult support and protection safeguarded Jenny’s finances while further investigations were undertaken. This collaborative approach, involved a range of public and private agencies, who each held a part of the information and powers that reduced the risks to Jenny’s finances.